

TODD H. STROGER

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**PATRICK M. BLANCHARD**

INSPECTOR GENERAL

69 West Washington
Suite 1160
Chicago, Illinois 60602
TEL (312) 603-0350
FAX (312) 603-9948

September 30, 2010

CONFIDENTIAL

Honorable Todd H. Stroger
and Members of the Board of Forest Preserve Commissioners
118 North Clark Street
Chicago, Illinois 60602

Re: OIIG Summary Report No. IIG-10-0078 (Administrative Tows)¹

Dear President Stroger and Commissioners:

This letter is written in accordance with Section 2-289(c)(2) of the Independent Inspector General Ordinance, Cook County, Ill., Ordinances No. 07-0-52 (2007) (OIIG Ordinance) in connection with an investigation conducted into allegations regarding the Forest Preserve Police Department's (FPPD) implementation of administrative tow procedures and alleged improprieties in the collection and accounting of the associated fines. This investigation further developed into a review of the FPPD General Order on administrative tow procedures, Forest Preserve Police General Order (GO) 08-01, and discrepancies identified in section 08-01 and the Forest Preserve Ordinance, Chapter 4, Section 3-4-1 authorizing the administrative tow.

Summary

A complaint was filed with the Office of the Independent Inspector General (OIIG) alleging that FPPD officers were misusing the FPPD's General Order for administrative tows and potential fraud in the accounting of the collected fines. As part of the OIIG investigation, an analysis of both the GO 08-01 and ordinance authorizing the administrative tow occurred and revealed several material discrepancies between the two. This statement is made to apprise you of these issues and recommend remedial consideration.

OIIG Findings and Recommendation

A review was conducted of the Forest Preserve District of Cook County, Department of Law Enforcement, General Order 08-01, dated December 31, 2008, captioned Motor Vehicles,

¹ A summary report addressing other related issues involving allegations of individual misconduct and mismanagement is addressed separately in another report. Due to issues related to confidentiality under the OIIG Ordinance, that report is subject to a limited distribution.



Seizure and Impoundment for Ordinance Violations. This review was conducted to address concerns related to whether the General Order exceeded the scope and/or was materially inconsistent with the Cook County Forest Preserve Ordinance, Chapter 4, Section 3-4-1, Motor Vehicles, Seizure, and Impoundment, on which GO 08-01 was modeled. The following discrepancies were identified:

- (1) In Section II, Policy, the General Order states, “[I]t is the policy of the Cook County Forest Preserve Police that a motor vehicle, operated by or with the express permission or knowledge of the owner of record, which is used in connection with violations enumerated in Section 3-4-2 of the Cook County Forest Preserve District Ordinance, will be subject to seizure and impoundment and the owner of record of said vehicle shall be liable for a \$500.00 administrative charge, in addition to any towing and storage fees”

This section differs from the Forest Preserve Ordinance, Chapter 4, Section 3-4-1, which states, in Section B, Owner Liability; exceptions. “The owner of record of any motor vehicle that is used during the commission of any of the qualified violations as set forth in Section 3-4-2 shall be liable to the District for an administrative penalty of \$500.00 plus any towing and storage fees applicable under section 3-4-2.

- (2) In Section III, Definitions, Section C., Seizure and Impoundment, No. 2, the General Order states, “When the vehicle is towed the CCFPD will notify any person identifying themselves as the owner of the vehicle or any person who is found to be in control of the vehicle at the time of the alleged violation of the fact of the seizure due to the alleged violation and of the vehicle owner’s right to request a vehicle impoundment hearing to be conducted under this section.” This provision does not detail how such notification is provided.

- (3) In Section III, Definitions, Section D, Vehicle Impoundment Hearing – Requested Within 12 Hours, the General Order states, “When the owner of record of a vehicle seized pursuant to this section makes a request in person and in writing, at the 24 hour Communication Desk for a vehicle impoundment hearing within 12 hours after the seizure, the Assistant Chief or designee will conduct the vehicle impoundment hearing within 24 hours after the seizure excluding weekends and Cook County holidays.”

In Chapter 4, 3-4-1, Section D of the Ordinance, it states, “Whenever the owner of record of a vehicle seized pursuant to this Section makes a request in person and in writing for a vehicle impoundment hearing within 24 hours of the seizure, a hearing officer of the District shall conduct the vehicle impoundment hearing within 72 hours after the seizure excluding Saturdays, Sundays and legal holidays.”

- (4) In Section III, Definitions, Section D, No. 4, the General Order states that “the Hearing Officer will determine if there is a preponderance of the evidence to believe that the vehicle is subject to seizure and impoundment.”

In the Ordinance, Chapter 4, 3-4-1, Section D, it states, "If, after the hearing, the hearing officer determines that there is probable cause to believe that the vehicle is subject to seizure and impoundment."

- (5) In Section III, Definitions, Section E, No. 4, the General Order states, "the hearing officer will enter an order finding the owner of record of the vehicle civilly liable to Cook County Forest Preserve Police for an administrative penalty in the amount of \$500.00."

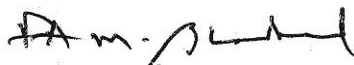
In the Ordinance, Chapter 4, 3-4-1, Section D, it states, "the hearing officer shall enter an order finding the owner of record of the vehicle civilly liable to the District for an administrative penalty in the amount of \$500.00."

- (6) We also note that section 3-4-1 of the Ordinance states further, "[i]f the owner of record fails to appear at the hearing, the hearing officer shall enter a default order in favor of the District requiring the payment to the District of an administrative penalty in the amount of \$500.00. A default order is not addressed in the General Order.
- (7) It was also noted that the General Order did not include in its list of violations in Section IV, Part B, Forcible Felony (720 ILCS 5/2-8). This is included in the Ordinance.

The Forest Preserve is advised to review the language of the Forest Preserve Police General Order 08-01 to ensure its consistency with the Forest Preserve Ordinance and amend the General Order as required. Because the General Order is based on the Ordinance, both must be materially consistent.

I hope this information proves helpful. If you should have any questions, though, please do not hesitate to contact me at any time. Thank you for your time and consideration.

Very truly yours,



Patrick M. Blanchard
Inspector General

cc: Ms. Karen Crawford, Chief of Staff
Ms. Laura Lechowicz Felicione, Special Assistant to the President
Mr. Steven M. Bylina, Jr., General Superintendent, Forest Preserve District
Mr. Dennis A. White, Chief Attorney, Forest Preserve District